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**FILED**

APR 15 2010

SECRETARY, BOARD OF  
OIL, GAS & MINING

**BEFORE THE BOARD OF OIL, GAS AND MINING  
DEPARTMENT OF NATURAL RESOURCES  
STATE OF UTAH**

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UTAH CHAPTER OF THE SIERRA CLUB,  
et al.,

Petitioners,

Docket No. 2009-019  
Cause No. C/025/0005

DIVISION OF OIL, GAS AND MINING,

Respondent, and

ALTON COAL DEVELOPMENT, LLC, and  
KANE COUNTY, UTAH,

Intervenors-Respondents.

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**PETITIONERS' REPLY TO INTERVENOR KANE COUNTY'S OBJECTION  
AND RESPONSE TO PETITIONER'S REQUEST FOR SECOND SITE  
INSPECTION**

In this Reply, Utah Chapter of the Sierra Club, Southern Utah Wilderness Alliance, Natural Resources Defense Council, and National Parks Conservation Association (collectively, “Petitioners”) respond to the issues raised by Intervenor Kane County, Utah, in its *Objection and Response to Petitioners’ Request for Second Site Inspection*.

The matter of whether and when Petitioners will conduct a second site visit has been resolved. On March 23, 2010, the Petitioners, the Division of Oil, Gas and Mining, and Alton Coal Development, LLC (“ACD”) reached an agreement regarding the second site visit. The parties agreed that Petitioners would conduct a second site visit, to last two days, sometime prior to the week of the May hearing. At the March 24, 2010, hearing before this Board, counsel for ACD indicated that Kane County agreed to the second site visit as well. *Transcript of Wednesday, March 24, 2010 hearing on Docket No. 2009-019 Cause No. C/025/0005* at 5. At the March hearing, the Board appeared to approve the parties’ agreement and the terms of the second site visit. *Id.* at 11-12. Pursuant to this agreement, Petitioners withdrew their *Motion for Leave to Conduct a Second Site Visit* and ACD withdrew its *Opposition to Petitioners’ Motion for Leave to Conduct a Second Site Visit*. *Id.* at 6.

In its *Objection and Response to Petitioners’ Request for Second Site Inspection*, Kane County offers no reason why the parties’ agreement, to which the County had previously agreed, should now be disregarded. Accordingly, Petitioners request that the Board dismiss Kane County’s *Objection and Response to Petitioners’ Request for Second Site Inspection* as untimely.

Dated: April 15, 2010

Respectfully submitted,

By:

A handwritten signature in blue ink, reading "Tiffany Bartz", written over a horizontal line.

Attorneys for Utah Chapter of the  
Sierra Club, *et al.*

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**CERTIFICATE OF SERVICE**

I hereby certify that on the 15th day of April, 2010, I served a true and correct copy of **PETITIONERS' REPLY TO INTERVENOR KANE COUNTY'S OBJECTION AND RESPONSE TO PETITIONER'S REQUEST FOR SECOND SITE INSPECTION** to each of the following persons via e-mail transmission:

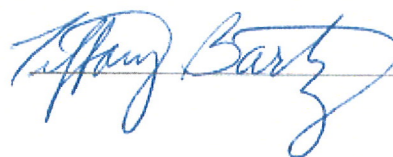
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A handwritten signature in blue ink, appearing to read "Tiffany Bartz", is written over a horizontal line.